Development (1928) Departme

Mis. SERIES.

G.O. No. 775

DATED 28. 4. 28

[Despatch Abstract.]

Fisheries- Memorial- Government of India- Peon Mallaya- lat
the Fisheries Department-withheld-

To

The Secretary,
to the Government of India,
(Excise department)
New Delhi.

Through

The Inspector of Excise,
Mangalore Circle.

Humble Memorial submitted by
B. Mallaya, late of the Fisheries' department,
At present in the Excise department,
Mangalore Circle, South Kanara.
Dated 17th March 1928.

Most Respectfully Sheweth,

That the Government of Madras in their G.O.No. 58 Routine, Developement dated 24-2-'28 having declined to reconsider the orders passed in G.O. No. 1415, Mis development dated 10th September 1927 passed under the following circumstances and hence your memorialist humbly ventures to approach the Government of India for a merciful consideration of his case submitted below:-

That your memorialist's case was decided by the Government of Madras in their G.O.No.1415, Mis, developement dated 10th September 1927 on the appeal submitted by the memorialist on 18-2-'27 in which Government are pleased to hold memorialist responsible for a shortage of 42 maunds and 23 seers of salt in a lot of 100 bags of salt.

That your memorialist in approaching Government for a reconsideration of their order made the following submission.

That the Government of Madras in dealing with the memorialist's appeal had overlooked to consider the questi of wastage sanctioned for every bag of salt Vide. Circular 1161.S/26 dated 19-7-'27.

That a bag of salt is supposed to contain 80 seers of salt but a wastage of 10 seers is allowed and admitted and consequently a bag containing only 70 seers is taken for a full bag of correct weight by the department.

That the department allows this depreciation as the

unavoidable due to natural causes.

That the Government will thus be pleased to see in holding Memorialist responsible for 110 bags Memorialist is entitled to get allowance for the maximum quantity of depreciation or wastage allowed by the department which in the present instance amounts to 1,100 seers or 27 ½ maunds. In this connection it may be brought to the notice of the department that the salt Sub Inspector in his inspection remarks on 28-8-26 has duly noted down that 'the salt in most of the bags are caked up and the bags are wet', which fact clearly shows that the Memorialist is entitled to the allowance abovementioned.

Extracts of the remarks are given in para 1 of ¶ 19 of GO 1415 (T) / 10-9-27

That Your Memorialist will thus be liable for the value of only 15 maunds and 3 seers being the balance after deducting 27½ maunds of wastage from 42 maunds and 23 seers.

That your Memorialist most humbly ventures to submit that he is entitled to this wastage as that in the ordinary course of events the Memorialist would not have been held liable to that extent of shortage.

Under these circumstances the Government will be pleased to see the Memorialist has a real grievance and that he has suffered injustice and his case is one deserving of special consideration.

Your Memorialist, therefore, prays that under the powers of revision vested in the Government, they may be pleased to call for the connected papers and

review the order passed by the Government of Madras and direct that the Memorialist be held responsible only to the extent of the value of 15 maunds and 3seers of salt and that the balance collected be refunded to him.

For which act of kindness and mercy Memorialist will ever feel grateful.

17 3 -28
20-4-27

E

Copy of G.O. No. 58 Routine, Development dated 24th February 1928.

Fisheries -

Memorial - Peon Mallayya - late of the Fisheries Department

Reconsideration - Declined.

ORDER:-

The Government decline to reconsider the orders passe G.O. No. 1415, Mis. Development, dated 10th September 19

(By order of the Govt. Ministry of Public Health)

Endt. T.Dis. 424-S/28 dated 4-3-1928.

Copy communicated to peon Mallayya through the Inspector of Excise, Mangalore Circle.

for Assistant Director (Coast).

C.P. A. 5/3

To

Peon Mallayya through the Inspector of Excise,

MANGALORE.

6 Rev 15-12-11 / 17-4-28

C.F. 81—10 136—

EXCISE **DEPARTMENT.**

CURRENT No.

Received 17 APR 1928 192 . *Registered* 192

Subject.

Mallaya) Peon -Mangalore Circle)
Memorial to the Government of India
to allow wastage of 10 seers per bag
of salt in calculating the amount
recovered from him for loss of salt
while he was in the Fisheries Depart-
ment.

ENCLOSURES.
No.
Spare copies

C.R. No. 2821 Abk/28

Station Triplicane, Madras, *Dated the* 15th April 192 8

From

The Board of Revenue, Land Revenue. / Revenue Settlement, etc. / Separate Revenue.

Resolution / Reference.

C.B.COTTERELL, Esq., C.I.E., I.C.S,
Third Member,
Board of Revenue & Commissioner of Exc:

ENDORSEMENT:

Forwarded to Government.

2. The petition may be withheld under rule XXV(4) of the rules relating to appeals to be submitted to the Government of India, published in the Manual of Statutory Rules and Orders.

P 47 of the book

SECRETARY.

To
The Secretary to Government,
Development Department,
(with a memorial & Enclos.)

VSK.16-4. 16/4

V

Dev Dept

Subject: Memorial to the Govt of India — Peon Mallaya late of the Fishers Dept

1 6 CF

From the Commissioner of Excise CR.2821/
Dt 15-4-28

To As.

Please see letter from the Commissioner of Excise forwarding the memorial of peon Mallaya late of the Fishers Dept. The peon is now employed in the Excise Dept in the Mangalore circle and this present memorial is addressed to the Govt of India.

1 6 CF
pp 1-5 CF

Peon Mallaya was held responsible by the Asst Director of Fisheries (Coast) on 1-4-27 for a shortage of 60 mds and 19 seers of salt in 4.64 bags under his custody in the curing shed at Thaikadapuram and was directed to pay Rs 151-3-0 the issue price and duty thereof. On 26-4-27 he appealed to Govt [Strictly speaking the appellate authority

pp 1-4 of G.O 1415 (J) 10-9-27

pp 1-5 of do

in this case is the Director of Fisheries
Vide item 5 on page 60 of the
Manual of Statutory Rules and
Orders. However the appeal
to Govt was allowed as the
orders passed by the Asst. Director
(Coast) were entirely based
on the proceedings of the D.F]
On a careful consideration of
the case, the Govt ordered
in G.O 14/15 Dev dt 10.9.27 that (J)
Peon Mallaya should be held
responsible for the shortage of
42 mds and 23 seers and that
the recovery should be confined to
the cost and duty of this quantity
~~The present memorial of the~~
~~peon does not adduce any~~
~~new grounds~~. He appealed
to Govt again for reconsideration - 58 24 (E)
of orders but the Govt declined. 2 - - 12
to reconsider
The present memorial does
not adduce any new grounds
for a reconsideration of the
case. It is submitted that
this may be withheld under
Rule 4 of rule XXV at page 47
of the Manual of Statutory Rules

3

and ors

A draft order is submitted for approval

RL
19.4.

19/4

S.

22.4.

RL ci
28/3

Ci as/4
No objn

CI. B
28/4

S. approved
Mins
25.4.22

27/4.

Govtt II-5 (a)—38,004—26-10-27. (6)

27/28/4

	Date.	Initials.
When received for Fair-copying.		MWK 14/4
When copied ..		
When examined ..	28/4/28	
When signed ..		
When despatched ..		

Dev Department.

Fisheries. — Memorial — Govt. of India. — Peon Mallaya late of the ~~Excise~~ Fisheries ~~Dept.~~ ~~Mangalore~~ circle — withheld

READ AGAIN G.O. No. 1415, dated 10-9- 1927.

" " " " 58 " 14-2- 1928

READ ALSO:—

C. No. ..... From the Comr. of Excise, No. CR 1821 Alt/28, dated 15-4- 1928.

" " ..... " " ..... " ..... " ..... 192 .

" " ..... " " ..... " ..... " ..... 192 .

From "Secretary" to Govt

ORDER.

No. 775, dated 28-4- 1928.

Mrs

The memorial of Peon Mallaya, late of the Fisheries dept. is withheld under Rule XXV(4) of the Rules regarding Classification, remittances ~~relating to appeals~~ and control of offices & under ~~to be submitted to the~~ the Administration control of the ~~Govt. of India publish~~ Govt as noted below:— ~~in the Manual of Statutory Rules and orders.~~

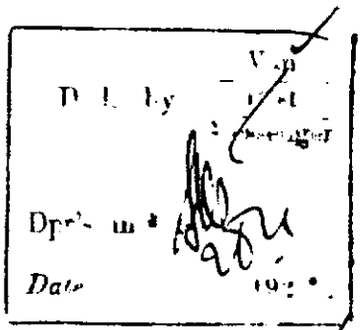
" An appeal may be withheld which is a further appeal presented

after a decision has been given by the appellate authority prescribed in these rules and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case."

19/4

RL 19.6.

27/4



To Peon Kallaya
Commission
Copy to The Commission